

BEFORE THE FEDERAL ELECTION COMMISSION

2015 NOV 19 AM 11:12

In the Matter of )  
 ) MUR 6902  
Al Franken for Senate 2014 and Thomas )  
H. Borman, in his official capacity as )  
treasurer; Al Franken; Independence )  
USA PAC and Diane Gubelli in her )  
official capacity as treasurer )

CELA

CERTIFICATION

I, Shelley E. Garr, recording secretary of the Federal Election Commission executive session, do hereby certify that on November 17, 2015, the Commission took the following actions in the above-captioned matter:

1. Failed by a vote of 2-4 to:
  - a. Find reason to believe that Independence USA PAC and Diane Gubelli in her official capacity as treasurer violated 52 U.S.C. §§ 30116(a), 30118(a), and 30104(b).
  - b. Find reason to believe that Al Franken for Senate 2014 and Thomas H. Borman, in his official capacity as treasurer knowingly accepted a prohibited and excessive in-kind corporate contribution in violation of 52 U.S.C. §§ 30116(a) and 30118(a).
  - c. Take no action at this time as to Al Franken in his personal capacity.
  - d. Approve the Factual and Legal Analysis as recommended in the First General Counsel's Report dated July 22, 2015.
  - e. Authorize the use of compulsory process.
  - f. Approve the appropriate letter.

Commissioners Ravel and Walther voted affirmatively for the motion. Commissioners Goodman, Hunter, Petersen, and Weintraub dissented.

2. Failed by a vote of 3-3 to:

- a. Find reason to believe that Independence USA PAC and Diane Gubelli in her official capacity as treasurer violated 52 U.S.C. §§ 30116(a), 30118(a), and 30104(b).
- b. Take no action at this time with respect to the allegation that Independence USA PAC and Diane Gubelli in her official capacity as treasurer, engaged in coordinated activity creating a prohibited in-kind contribution.
- c. Take no action at this time with respect to Al Franken, Al Franken for Senate 2014, and Thomas H. Borman, in his official capacity as treasurer.
- d. Approve the Factual and Legal Analysis, as recommended in the First General Counsel's Report dated July 22, 2015.
- e. Authorize the use of compulsory process in this matter, including the issuance of appropriate interrogatories and document subpoenas, and depositions, as necessary.
- f. Approve the appropriate letter.

Commissioners Ravel, Walther, and Weintraub voted affirmatively for the motion.

Commissioners Goodman, Hunter, and Petersen dissented.

3. Decided by a vote of 6-0 to

- a. Close the file.
- b. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

November 19, 2015  
Date

Shelley E. Garr  
Shelley E. Garr  
Deputy Secretary of the Commission